

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

TENTATIVE ORDER NO. 2003-0036

**AN ORDER RESCINDING
CEASE AND DESIST ORDER NO. 98-25**

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), finds that:

1. On April 8, 1998, this Regional Board issued Cease and Desist Order No. 98-25 to Color Spot Nurseries to cease and desist from discharging wastes in violation of Order No. 86-32, *An Order Prohibiting the Discharge of Wastes Beyond the Limits of lands Owned or Controlled by Color Spot Foliage Inc., Near Fallbrook, San Diego County*.
2. Directive Number 1 of Cease and Desist Order No. 98-25, stated that compliance shall be determined by, but not limited to, Color Spot Nurseries providing and operating facilities which shall contain all irrigation return water and prevent any discharge of irrigation return water from property owned or controlled by Color Spot Nurseries.
3. Regional Board staff inspected Color Spot Nurseries in August 2001 and confirmed that the discharge of waste, which was subject to Cease and Desist Order No. 98-25, had been terminated.
4. A letter from Mr. John C. Lemmo of Foley & Lardner Attorneys at Law, received on July 1, 2002, stated that Color Spot Nurseries has substantially met all requirements and requested rescission of Order No. 98-25.
5. The Regional Board has notified all known interested parties of its intent to rescind Cease and Desist Order No. 98-25.
6. The Regional Board, in a public hearing, heard and considered all comments pertaining to the rescission of Cease and Desist Order No. 98-25.
7. These facilities are existing facilities and as such are exempt from the provisions of the California Environmental Quality Act, in accordance with Title 14, California Code of Regulations, Article 19, Section 15301.

IT IS HEREBY ORDERED that Cease and Desist Order 98-25 is rescinded.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an addendum adopted by the California Regional Water Quality Board, San Diego Region, on February 5, 2003.

TENTATIVE

Tentative Order No. 2002-171

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August 14, 2002

JOHN H. ROBERTUS
Executive Officer